

TRAIL RESPONSIBILITY AND ACCOUNTABILITY FOR THE
IMPROVEMENT OF LANDS ACT

MAY 20, 2004.—Ordered to be printed

Mr. POMBO, from the Committee on Resources,
submitted the following

R E P O R T

[To accompany H.R. 3247]

The Committee on Resources, to whom was referred the bill (H.R. 3247) to provide consistent enforcement authority to the Bureau of Land Management, the National Park Service, the United States Fish and Wildlife Service, and the Forest Service to respond to violations of regulations regarding the management, use, and protection of public lands under the jurisdiction of these agencies, to clarify the purposes for which collected fines may be used, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill, as amended, do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Trail Responsibility and Accountability for the Improvement of Lands Act” or “TRAIL Act”.

SEC. 2. CONSISTENT ENFORCEMENT AUTHORITY REGARDING NATIONAL PARK SYSTEM LANDS, NATIONAL FOREST LANDS, AND OTHER PUBLIC LANDS.

(a) **LANDS UNDER JURISDICTION OF BUREAU OF LAND MANAGEMENT.**—Section 303(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1733(a)) is amended—

(1) by inserting “(1)” after “(a)”;

(2) by striking the second sentence; and

(3) by adding at the end the following new paragraphs:

“(2) Any person who knowingly violates or fails to comply with any of the provisions of this Act or any regulation issued under this Act shall be guilty of a Class A misdemeanor, subject to fine as provided in section 3571 of title 18, United States Code, or imprisonment as provided in section 3581 of that title, or both.

“(3) Any person who otherwise violates or fails to comply with any of the provisions of this Act or any regulation issued under this Act shall be guilty of a Class B misdemeanor, subject to fine or imprisonment, or both, as provided in such sections. A person who violates any such provision or regulation may also be adjudged to pay all costs of the proceedings.”.

(b) NATIONAL PARK SYSTEM LANDS.—

(1) ENFORCEMENT.—Section 3 of the Act of August 25, 1916 (popularly known as the National Park Service Organic Act; 16 U.S.C. 3) is amended—

(A) by striking “That the Secretary” the first place it appears and inserting “(a) REGULATIONS FOR USE AND MANAGEMENT OF NATIONAL PARK SYSTEM; ENFORCEMENT.—(1) The Secretary”;

(B) by striking “Service,” and all that follows through “proceedings.” and inserting “Service.”; and

(C) by inserting after the first sentence the following new paragraphs:

“(2) Any person who knowingly violates or fails to comply with any rule or regulation issued under this section shall be guilty of a Class A misdemeanor, subject to fine as provided in section 3571 of title 18, United States Code, or imprisonment as provided in section 3581 of that title, or both.

“(3) Any person who otherwise violates or fails to comply with any such rule or regulation shall be guilty of a Class B misdemeanor, subject to fine or imprisonment, or both, as provided in such sections. A person who violates any such rule or regulation may also be adjudged to pay all costs of the proceedings.”.

(2) CONFORMING AMENDMENTS.—Such section is further amended—

(A) by striking “He may also” the first place it appears and inserting the following:

“(b) SPECIAL MANAGEMENT AUTHORITIES.—The Secretary of the Interior may”;

(B) by striking “He may also” the second place it appears and inserting “The Secretary may”; and

(C) by striking “No natural,” and inserting the following:

“(c) LEASE AND PERMIT AUTHORITIES.—No natural”.

(c) NATIONAL WILDLIFE REFUGE SYSTEM LANDS.—Section 4(f) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(f)) is amended—

(1) in paragraph (1), by striking “fined under title 18, United States Code, or imprisoned for not more than 1 year, or both.” and inserting “guilty of a Class A misdemeanor, subject to fine as provided in section 3571 of title 18, United States Code, or imprisonment as provided in section 3581 of that title, or both. A person who violates any such provision or regulation may also be adjudged to pay all costs of the proceedings.”;

(2) in paragraph (2), by striking “fined under title 18, United States Code, or imprisoned not more than 180 days, or both.” and inserting “guilty of a Class B misdemeanor, subject to fine as provided in section 3571 of title 18, United States Code, or imprisonment as provided in section 3581 of that title, or both. A person who violates any such provision or regulation may also be adjudged to pay all costs of the proceedings.”.

(d) NATIONAL FOREST SYSTEM LANDS.—

(1) ENFORCEMENT.—The eleventh undesignated paragraph under the heading “SURVEYING THE PUBLIC LANDS” of the Act of June 4, 1897 (16 U.S.C. 551), is amended—

(A) by striking “The Secretary of the Interior” and inserting the following:

“SEC. 551. PROTECTION OF NATIONAL FORESTS; RULES AND REGULATIONS.

“(a) REGULATIONS FOR USE AND PROTECTION OF NATIONAL FOREST SYSTEM; ENFORCEMENT.—(1) The Secretary of Agriculture”;

(B) by striking “destruction; and any” and all that follows through “or both.” and inserting “destruction.”; and

(C) by inserting after “destruction.”, as added by subparagraph (B), the following new paragraphs:

“(2) Any person who knowingly violates or fails to comply with any rule or regulation made under paragraph (1) shall be guilty of a Class A misdemeanor, subject to fine as provided in section 3571 of title 18, United States Code, or imprisonment as provided in section 3581 of that title, or both.

“(3) Any person who otherwise violates or fails to comply with any such rule or regulation shall be guilty of a Class B misdemeanor, subject to fine or imprisonment, or both, as provided in such sections. A person who violates any such rule or regulation may also be adjudged to pay all costs of the proceedings.”.

(2) CONFORMING AMENDMENT.—Section 551 of such Act, as designated by paragraph (1), is further amended by striking “Any person” and inserting the following:

“(b) PROCESS.—Any person”.

SEC. 3. CONSISTENT AUTHORITIES REGARDING USE OF COLLECTED FINES.

(a) LANDS UNDER JURISDICTION OF BUREAU OF LAND MANAGEMENT.—Section 305 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1735), is amended by adding at the end the following new subsection:

“(d) USE OF COLLECTED FINES.—

“(1) AVAILABILITY AND AUTHORIZED USE.—Any moneys received by the United States as a result of a fine imposed under section 3571 of title 18, United States Code, for a violation of a regulation prescribed under section 303(a) shall be available to the Secretary, without further appropriation and until expended, for the following purposes:

“(A) To cover the cost to the United States of any improvement, protection, or rehabilitation work on the public lands rendered necessary by the action which led to the fine.

“(B) To increase public awareness of regulations and other requirements regarding the use of the public lands.

“(C) To cover administrative, legal, and related expenses rendered necessary by the action which led to the fine.

“(2) RETURN OF EXCESS FUNDS TO TREASURY.—Moneys referred to in paragraph (1) that the Secretary determines are excess to the amounts necessary to carry out the purposes specified in such paragraph shall be transferred to miscellaneous receipts.”

(b) NATIONAL PARK SYSTEM LANDS.—Section 3 of the Act of August 25, 1916 (popularly known as the National Park Service Organic Act; 16 U.S.C. 3), as amended by section 2(b), is further amended by adding at the end the following new subsection:

“(d) USE OF COLLECTED FINES.—

“(1) AVAILABILITY AND AUTHORIZED USE.—Any moneys received by the United States as a result of a fine imposed under section 3571 of title 18, United States Code, for a violation of a rule or regulation prescribed under this section shall be available to the Secretary of the Interior, without further appropriation and until expended, for the following purposes:

“(A) To cover the cost to the United States of any improvement, protection, or rehabilitation work on the National Park System lands rendered necessary by the action which led to the fine.

“(B) To increase public awareness of rules, regulations, and other requirements regarding the use of such lands.

“(C) To cover administrative, legal, and related expenses rendered necessary by the action which led to the fine.

“(2) RETURN OF EXCESS FUNDS TO TREASURY.—Moneys referred to in paragraph (1) that the Secretary determines are excess to the amounts necessary to carry out the purposes specified in such paragraph shall be transferred to miscellaneous receipts.”

(c) NATIONAL WILDLIFE REFUGE SYSTEM LANDS.—Section 4(f) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(f)), as amended by section 2(c), is further amended by adding at the end the following new paragraphs:

“(3) USE OF COLLECTED FINES.—Any moneys received by the United States as a result of a fine imposed under section 3571 of title 18, United States Code, for a violation of this Act or a regulation issued thereunder shall be available to the Secretary, without further appropriation and until expended, for the following purposes:

“(A) To cover the cost to the United States of any improvement, protection, or rehabilitation work on the System lands rendered necessary by the action which led to the fine.

“(B) To increase public awareness of rules, regulations, and other requirements regarding the use of System lands.

“(C) To cover administrative, legal, and related expenses rendered necessary by the action which led to the fine.

“(4) RETURN OF EXCESS FUNDS TO TREASURY.—Moneys referred to in paragraph (3) that the Secretary determines are excess to the amounts necessary to carry out the purposes specified in such paragraph shall be transferred to miscellaneous receipts.”

(d) NATIONAL FOREST SYSTEM LANDS.—Section 7 of the Act of June 20, 1958 (16 U.S.C. 579c), is amended—

(1) by inserting “(a) TREATMENT OF CERTAIN MONEYS RECEIVED ON BEHALF OF FOREST SERVICE.—” before “Any moneys”;

(2) by striking “contract or (2)” and inserting “contract, (2)”;

(3) by inserting after “improvements,” the following: “or (3) as a result of a fine imposed under section 3571 of title 18, United States Code, for a violation of a rule or regulation prescribed by the Secretary of Agriculture with respect to such lands,”;

(4) by striking “to cover” and all that follows through the end of the section and inserting the following: “for the purposes specified in subsection (b).”; and

(5) by adding at the end the following new subsection:

“(b) AUTHORIZED USE.—

“(1) IN GENERAL.—The moneys referred to in subsection (a) shall be available to the Secretary of Agriculture for the following purposes:

“(A) To cover the cost to the United States of any improvement, protection, or rehabilitation work on National Forest System lands rendered necessary by the action which led to the fine, forfeiture, judgment, compromise, or settlement.

“(B) To increase public awareness of rules, regulations, and other requirements regarding the use of such lands.

“(C) To cover administrative, legal, and related expenses rendered necessary by the action which led to the fine.

“(2) RETURN OF EXCESS FUNDS TO TREASURY.—Moneys referred to in subsection (a) that the Secretary determines are excess to the amounts necessary to carry out the purposes specified in paragraph (1) shall be transferred to miscellaneous receipts.”.

SEC. 4. ESTABLISHMENT OF MINIMUM FINE FOR VIOLATION OF PUBLIC LAND FIRE REGULATIONS DURING FIRE BAN.

(a) LANDS UNDER JURISDICTION OF BUREAU OF LAND MANAGEMENT.—Section 303(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1733(a)), as amended by section 2(a), is further amended by adding at the end the following new paragraph:

“(4) In the case of a regulation issued under this section regarding the use of fire by individuals on the public lands, if the violation of the regulation was the result of reckless conduct, occurred in an area subject to a complete ban on open fires, and resulted in damage to public or private property, the fine may not be less than \$500.”.

(b) NATIONAL PARK SYSTEM LANDS.—Subsection (a) of section 3 of the Act of August 25, 1916 (popularly known as the National Park Service Organic Act; 16 U.S.C. 3), as designated and amended by section 2(b), is further amended by adding at the end the following new paragraph:

“(4) In the case of a rule or regulation issued under this subsection regarding the use of fire by individuals on such lands, if the violation of the rule or regulation was the result of reckless conduct, occurred in an area subject to a complete ban on open fires, and resulted in damage to public or private property, the fine may not be less than \$500.”.

(c) NATIONAL FOREST SYSTEM LANDS.—Subsection (a) of section 551 of the Act of June 4, 1897 (16 U.S.C. 551), as designated and amended by section 2(d), which before such designation and amendment was the eleventh undesignated paragraph under the heading “SURVEYING THE PUBLIC LAND” of such Act, is further amended by adding at the end the following new paragraph:

“(4) In the case of such a rule or regulation regarding the use of fire by individuals on such lands, if the violation of the rule or regulation was the result of reckless conduct, occurred in an area subject to a complete ban on open fires, and resulted in damage to public or private property, the fine may not be less than \$500.”.

PURPOSE OF THE BILL

The purpose of H.R. 3247 is to provide consistent enforcement authority to the Bureau of Land Management, the National Park Service, the United States Fish and Wildlife Service, and the Forest Service to respond to violations of regulations regarding the management, use, and protection of public lands under the jurisdiction of these agencies, to clarify the purposes for which collected fines may be used, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

Each of the four major federal land management agencies the Bureau of Land Management (BLM), the U.S. Forest Service, the National Park Service, and the U.S. Fish and Wildlife Service—have differing penalties for violations of laws protecting public lands. For example, typically a violator on BLM land faces tougher penalties than a violator on Forest Service land. Furthermore, in general the public does not distinguish between different federal

public lands—there is rarely a marker delineating BLM and Forest Service land on vast tracts of the western United States. This legislation would provide consistent penalties for violations under the four land management agencies organic acts or any regulation issued under those acts. The consistency in these laws will aid in clearing up confusion with the public while also serving as a deterrent.

More specifically, the Trail Responsibility and Accountability for the Improvement of Lands (TRAIL) Act would create two general classes of fines and penalties, which already exist under criminal code 18 U.S.C. 3571, for those who are guilty of certain crimes on federal lands. H.R. 3247 would also designate the use of all collected fines to cover the cost of any improvement, protection, or rehabilitation work needed because of the action leading to the fine. Collected fines may also be used to increase public awareness of regulations and other requirements regarding the use of public lands. Any excess funds would be returned to the U.S. Treasury.

COMMITTEE ACTION

H.R. 3247 was introduced on October 2, 2003, by Congressman Tom Tancredo (R-CO). The bill was referred primarily to the Committee on Resources and additionally to the Committee on Agriculture. Within the Committee on Resources, the bill was referred to the Subcommittees on Forests and Forest Health; Parks, Recreation and Public Lands; and Fisheries Conservation, Wildlife and Oceans. On October 21, 2003, the Subcommittee on Forests and Forest Health held a hearing on the bill. On May 5, 2004, the Full Resources Committee met to consider the bill. The Subcommittees were all discharged from further consideration of the bill by unanimous consent. Mr. Tancredo offered an amendment in the nature of a substitute making substantive and clarifying changes as requested by the Administration and the minority. The amendment also included the text of H.R. 1038, the Public Lands Fire Regulations Enforcement Act of 2003, as ordered reported by the Committee on the Judiciary. The amendment was adopted by unanimous consent, and the bill as amended was then ordered favorably reported to the House of Representatives by unanimous consent.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. The Committee believes that enactment of the

bill will have little effect on the federal budget. Under sections 1 through 3 of the bill, fines collected under the affected laws will be retained by the appropriate Secretary and spent without further appropriation to cover the cost of any improvement, protection, or rehabilitation work needed because of the action leading to the fine. Collected fines may also be used to increase public awareness of regulations and other requirements regarding the use of public lands. Any excess funds would be returned to the U.S. Treasury. The Committee expects that the revenues involved will be negligible and accordingly, so will be the direct spending. Under section 4 of the bill, fines for violations of public land fire regulations would be increased. Under current law, these collections are considered government receipts under the federal budget and are deposited into the Victims Crime Fund and later spent. Like the fines for non-fire regulations and law, the amounts involved will be minimal (less than \$500,000/year) and thus so will be the direct spending. This conclusion is supported by the Congressional Budget Office cost estimate for H.R. 1038, the basis of section 4 of the bill.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, credit authority, or an increase or decrease in tax expenditures. As noted above, enactment of this bill will result in increased revenues in the form of fines, but this amount is expected to be small. These increased revenues will be largely offset by direct spending of the monies by the relevant Secretary for the enumerated uses or from expenditures from the Victims Crime Fund for the fire penalties. Again, the amount of direct spending is also expected to be minimal.

3. General Performance Goals and Objectives. This bill does not authorize funding and therefore, clause 3(c)(4) of rule XIII of the Rules of the House of Representatives does not apply.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has requested but not received a cost estimate for this bill from the Director of the Congressional Budget Office in time to include it in this bill report.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in *italic*, existing law in which no change is proposed is shown in roman):

**FEDERAL LAND POLICY AND MANAGEMENT ACT OF
1976**

* * * * *

TITLE III—ADMINISTRATION

* * * * *

ENFORCEMENT AUTHORITY

SEC. 303. (a)(1) The Secretary shall issue regulations necessary to implement the provisions of this Act with respect to the management, use, and protection of the public lands, including the property located thereon. [Any person who knowingly and willfully violates any such regulation which is lawfully issued pursuant to this Act shall be fined no more than \$1,000 or imprisoned no more than twelve months, or both.] Any person charged with a violation of such regulation may be tried and sentenced by any United States magistrate designated for that purpose by the court by which he was appointed, in the same manner and subject to the same conditions and limitations as provided for in section 3401 of title 18 of the United States Code.

(2) *Any person who knowingly violates or fails to comply with any of the provisions of this Act or any regulation issued under this Act shall be guilty of a Class A misdemeanor, subject to fine as provided in section 3571 of title 18, United States Code, or imprisonment as provided in section 3581 of that title, or both.*

(3) *Any person who otherwise violates or fails to comply with any of the provisions of this Act or any regulation issued under this Act shall be guilty of a Class B misdemeanor, subject to fine or imprisonment, or both, as provided in such sections. A person who violates any such provision or regulation may also be adjudged to pay all costs of the proceedings.*

(4) *In the case of a regulation issued under this section regarding the use of fire by individuals on the public lands, if the violation of the regulation was the result of reckless conduct, occurred in an area subject to a complete ban on open fires, and resulted in damage to public or private property, the fine may not be less than \$500.*

* * * * *

DEPOSITS AND FOREITURES

SEC. 305. (a) * * *

* * * * *

(d) **USE OF COLLECTED FINES.—**

(1) **AVAILABILITY AND AUTHORIZED USE.**—Any moneys received by the United States as a result of a fine imposed under section 3571 of title 18, United States Code, for a violation of a regulation prescribed under section 303(a) shall be available to the Secretary, without further appropriation and until expended, for the following purposes:

(A) *To cover the cost to the United States of any improvement, protection, or rehabilitation work on the public lands rendered necessary by the action which led to the fine.*

(B) *To increase public awareness of regulations and other requirements regarding the use of the public lands.*

(C) *To cover administrative, legal, and related expenses rendered necessary by the action which led to the fine.*

(2) *RETURN OF EXCESS FUNDS TO TREASURY.—Moneys referred to in paragraph (1) that the Secretary determines are excess to the amounts necessary to carry out the purposes specified in such paragraph shall be transferred to miscellaneous receipts.*

* * * * *

SECTION 3 OF THE ACT OF AUGUST 25, 1916

(Popularly known as the "National Park Service Organic Act")

CHAP. 408.—AN ACT To establish a National Park Service, and for other purposes.

SEC. 3. **[That the Secretary]** *(a) REGULATIONS FOR USE AND MANAGEMENT OF NATIONAL PARK SYSTEM; ENFORCEMENT.—(1) The Secretary of the Interior shall make and publish such rules and regulations as he may deem necessary or proper for the use and management of the parks, monuments, and reservations under the jurisdiction of the National Park [Service, and any violation of any of the rules and regulations authorized by this Act shall be punished by a fine of not more than \$500 or imprisonment for not exceeding six months, or both, and be adjudged to pay all cost of the proceedings.] Service.*

(2) Any person who knowingly violates or fails to comply with any rule or regulation issued under this section shall be guilty of a Class A misdemeanor, subject to fine as provided in section 3571 of title 18, United States Code, or imprisonment as provided in section 3581 of that title, or both.

(3) Any person who otherwise violates or fails to comply with any such rule or regulation shall be guilty of a Class B misdemeanor, subject to fine or imprisonment, or both, as provided in such sections. A person who violates any such rule or regulation may also be adjudged to pay all costs of the proceedings. [He may also]

(4) In the case of a rule or regulation issued under this subsection regarding the use of fire by individuals on such lands, if the violation of the rule or regulation was the result of reckless conduct, occurred in an area subject to a complete ban on open fires, and resulted in damage to public or private property, the fine may not be less than \$500.

(b) SPECIAL MANAGEMENT AUTHORITIES.—The Secretary of the Interior may, upon terms and conditions to be fixed by him, sell or dispose of timber in those cases where in his judgment the cutting of such timber is required in order to control the attacks of insects or diseases or otherwise conserve the scenery or the natural or historic objects in any such park, monument, or reservation. [He may also] The Secretary may provide in his discretion for the destruction of such animals and of such plant life as may be detrimental to the use of any of said parks, monuments, or reservations. [No natural,]

(c) LEASE AND PERMIT AUTHORITIES.—No natural curiosities, wonders, or objects of interest shall be leased, rented, or granted to anyone on such terms as to interfere with free access to them by the public: Provided, however, That the Secretary of the Interior may, under such rules and regulations and on such terms as he

may prescribe, grant the privilege to graze live stock within any national park, monument, or reservation herein referred to when in his judgment such use is not detrimental to the primary purpose for which such park, monument, or reservation was created, except that this provision shall not apply to the Yellowstone National Park: *And provided further*, That the Secretary of the Interior may grant said privileges, leases, and permits and enter into contracts relating to the same with responsible persons, firms, or corporations without advertising and without securing competitive bids: *And provided further*, That no contract, lease, permit, or privilege granted shall be assigned or transferred by such grantees, permittees, or licensees, without the approval of the Secretary of the Interior first obtained in writing.

(d) *USE OF COLLECTED FINES.*—

(1) *AVAILABILITY AND AUTHORIZED USE.*—Any moneys received by the United States as a result of a fine imposed under section 3571 of title 18, United States Code, for a violation of a rule or regulation prescribed under this section shall be available to the Secretary of the Interior, without further appropriation and until expended, for the following purposes:

(A) *To cover the cost to the United States of any improvement, protection, or rehabilitation work on the National Park System lands rendered necessary by the action which led to the fine.*

(B) *To increase public awareness of rules, regulations, and other requirements regarding the use of such lands.*

(C) *To cover administrative, legal, and related expenses rendered necessary by the action which led to the fine.*

(2) *RETURN OF EXCESS FUNDS TO TREASURY.*—Moneys referred to in paragraph (1) that the Secretary determines are excess to the amounts necessary to carry out the purposes specified in such paragraph shall be transferred to miscellaneous receipts.

* * * * *

SECTION 4 OF THE NATIONAL WILDLIFE REFUGE SYSTEM ADMINISTRATION ACT OF 1966

SEC. 4. (a)(1) * * *

* * * * *

(f) *PENALTIES.*—

(1) *KNOWING VIOLATIONS.*—Any person who knowingly violates or fails to comply with any of the provisions of this Act or any regulations issued thereunder shall be [fined under title 18, United States Code, or imprisoned for not more than 1 year, or both.] *guilty of a Class A misdemeanor, subject to fine as provided in section 3571 of title 18, United States Code, or imprisonment as provided in section 3581 of that title, or both. A person who violates any such provision or regulation may also be adjudged to pay all costs of the proceedings.*

(2) *OTHER VIOLATIONS.*—Any person who otherwise violates or fails to comply with any of the provisions of this Act (including a regulation issued under this Act) shall be [fined under title 18, United States Code, or imprisoned not more than 180

days, or both.】 *guilty of a Class B misdemeanor, subject to fine as provided in section 3571 of title 18, United States Code, or imprisonment as provided in section 3581 of that title, or both. A person who violates any such provision or regulation may also be adjudged to pay all costs of the proceedings.*

(3) *USE OF COLLECTED FINES.—Any moneys received by the United States as a result of a fine imposed under section 3571 of title 18, United States Code, for a violation of this Act or a regulation issued thereunder shall be available to the Secretary, without further appropriation and until expended, for the following purposes:*

(A) *To cover the cost to the United States of any improvement, protection, or rehabilitation work on the System lands rendered necessary by the action which led to the fine.*

(B) *To increase public awareness of rules, regulations, and other requirements regarding the use of System lands.*

(C) *To cover administrative, legal, and related expenses rendered necessary by the action which led to the fine.*

(4) *RETURN OF EXCESS FUNDS TO TREASURY.—Moneys referred to in paragraph (3) that the Secretary determines are excess to the amounts necessary to carry out the purposes specified in such paragraph shall be transferred to miscellaneous receipts.*

* * * * *

ACT OF JUNE 4, 1897

CHAP. 2.—An Act Making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-eight, and for other purposes.

* * * * *

UNDER THE DEPARTMENT OF THE INTERIOR.

* * * * *

SURVEYING THE PUBLIC LANDS.

* * * * *

[The Secretary of the Interior]

SEC. 551. PROTECTION OF NATIONAL FORESTS; RULES AND REGULATIONS.

(a) *REGULATIONS FOR USE AND PROTECTION OF NATIONAL FOREST SYSTEM; ENFORCEMENT.—(1) The Secretary of Agriculture shall make provisions for the protection against destruction by fire and depredations upon the public forests and forest reservations which may have been set aside or which may be hereafter set aside under the said Act of March third, eighteen hundred and ninety-one, and which may be continued; and he may make such rules and regulations and establish such service as will insure the objects of such reservations, namely, to regulate their occupancy and use and to preserve the forests thereon from [destruction; and any violation of the provisions of this Act or such rules and regulations shall be*

punished by a fine of not more than \$500 or imprisonment for not more than six months, or both.] *destruction.*

(2) *Any person who knowingly violates or fails to comply with any rule or regulation made under paragraph (1) shall be guilty of a Class A misdemeanor, subject to fine as provided in section 3571 of title 18, United States Code, or imprisonment as provided in section 3581 of that title, or both.*

(3) *Any person who otherwise violates or fails to comply with any such rule or regulation shall be guilty of a Class B misdemeanor, subject to fine or imprisonment, or both, as provided in such sections. A person who violates any such rule or regulation may also be adjudged to pay all costs of the proceedings.*

(4) *In the case of a rule or regulation issued under this subsection regarding the use of fire by individuals on such lands, if the violation of the rule or regulation was the result of reckless conduct, occurred in an area subject to a complete ban on open fires, and resulted in damage to public or private property, the fine may not be less than \$500.*

[Any person] (b) *PROCESS.*—Any person charged with the violation of such rules and regulations may be tried and sentenced by any United States commissioner specially designated for that purpose by the court by which he was appointed, in the same manner and subject to the same conditions as provided for in title 18, United States Code, section 3401, subsections (b), (c), (d), and (e), as amended.

* * * * *

SECTION 7 OF THE ACT OF JUNE 20, 1958

An Act To facilitate and simplify the work of the Forest Service, and for other purposes.

SEC. 7. (a) *TREATMENT OF CERTAIN MONEYS RECEIVED ON BEHALF OF FOREST SERVICE.*—Any moneys received by the United States with respect to lands under the administration of the Forest Service (1) as a result of the forfeiture of a bond or deposit by a permittee or timber purchaser for failure to complete performance of improvement, protection, or rehabilitation work required under the permit or timber sale [contract or (2)] *contract*, (2) as a result of a judgment, compromise, or settlement of any claim, involving present or potential damage to lands or improvements, or (3) *as a result of a fine imposed under section 3571 of title 18, United States Code, for a violation of a rule or regulation prescribed by the Secretary of Agriculture with respect to such lands*, shall be covered into the Treasury and are hereby appropriated and made available until expended [to cover the cost to the United States of any improvement, protection, or rehabilitation work on lands under the administration of the Forest Service rendered necessary by the action which led to the forfeiture, judgment, compromise, or settlement: *Provided*, That any portion of the moneys so received in excess of the amount expended in performing the work necessitated by the action which led to their receipt shall be transferred to miscellaneous receipts.] *for the purposes specified in subsection (b).*

(b) *AUTHORIZED USE.*—

(1) *IN GENERAL.*—*The moneys referred to in subsection (a) shall be available to the Secretary of Agriculture for the following purposes:*

(A) *To cover the cost to the United States of any improvement, protection, or rehabilitation work on National Forest System lands rendered necessary by the action which led to the fine, forfeiture, judgment, compromise, or settlement.*

(B) *To increase public awareness of rules, regulations, and other requirements regarding the use of such lands.*

(C) *To cover administrative, legal, and related expenses rendered necessary by the action which led to the fine.*

(2) *RETURN OF EXCESS FUNDS TO TREASURY.*—*Moneys referred to in subsection (a) that the Secretary determines are excess to the amounts necessary to carry out the purposes specified in paragraph (1) shall be transferred to miscellaneous receipts.*

* * * * *

COMMITTEE CORRESPONDENCE

HOUSE OF REPRESENTATIVES,
COMMITTEE ON RESOURCES,
Washington, DC, May 19, 2004.

Hon. BOB GOODLATTE,
*Chairman, Committee on Agriculture, House of Representatives,
Longworth House Office Building, Washington, DC.*

DEAR MR. CHAIRMAN: I request your assistance in expediting the consideration of four bills, all of which were referred primarily to the Committee on Resources and additionally to the Committee on Agriculture: H.R. 1014, the Gateway Communities Cooperation Act; H.R. 2966, the Right-to-Ride Livestock on Federal Lands Act of 2003; H.R. 3247, the TRAIL Act; and H.R. 3846, the Tribal Forest Protection Act of 2004.

The Committee on Resources ordered all the bills favorably reported with amendments on May 5, 2004, either by voice vote or unanimous consent. I have forwarded copies of the reported texts to your staff.

Because of the limited number of days remaining in the 108th Congress and the importance of these bills to the authors and our Nation, I ask you not to insist on your additional referrals of the bills and allow the Committee on Agriculture to be discharged so that they may be voted on when the House of Representatives returns from its Memorial Day district work period. Of course, by agreeing to this request, you are not waiving jurisdiction over the bills, nor is this action to be construed as a precedent for other, similar legislation. In addition, I would support a request from the Committee on Agriculture to be represented on any conference on H.R. 1014, H.R. 2966, H.R. 3247 or H.R. 3846 or companion Senate bills, should a conference become necessary. Finally, I would include this letter and any response you might have in the Committee on Resources' bill reports for the four bills.

Thank you for your consideration of my request. I appreciate our continued excellent working relationship on forest issues and look forward to working with you again.

Sincerely,

RICHARD W. POMBO,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON AGRICULTURE,
Washington, DC, May 20, 2004.

Hon. RICHARD POMBO,
*Chairman, House Committee on Resources,
Longworth House Office Building, Washington, DC.*

DEAR MR. CHAIRMAN: Thank you for your May 19, 2004 correspondence regarding H.R. 1014, the Gateway Communities Cooperation Act; H.R. 3247, the TRAIL Act; and H.R. 3846, the Tribal Forest Protection Act of 2004. As you are aware, the Committee on Agriculture was granted an additional referral of all these pieces of legislation.

Knowing of your interest in expediting this legislation, I will discharge H.R. 1014, H.R. 3247 and H.R. 3846 from further consideration by the Committee on Agriculture. I do so with the understanding that by discharging these bills the Committee on Agriculture does not waive any future jurisdictional claim over these or similar measures. In addition, in the event a conference with the Senate is requested on these matters, the Committee on Agriculture reserves the right to seek appointment of conferees, if it should become necessary.

Thank you very much for your courtesy in this matter and I look forward to continued cooperation between our Committees as we deal with these issues in the future.

Sincerely,

BOB GOODLATTE,
Chairman.

○